

**ZONING BOARD OF APPEALS
SATURDAY, SEPTEMBER 05, 2015
4:00 P.M.**

Present: Chairman Robert Treuhold, T. David Mullen, Charles Mott, Alexander Ames, Brendan Ryan, Bruce Peiffer, and Village Attorney Richard DePetris

1) Chairman Treuhold brought the meeting to order. The next meeting will be held on **October 10, 2015 at 4 PM**. Next, was the approval of the minutes of the **July 11, 2015** meeting into the record.

Mr. Treuhold then explained that the attorney for the **Mr. and Mrs. Overlander** was looking for approval of a one year extension of their variance granted on December 7, 2013 for **46 Shinnecock Road**. Since the Overlanders were only now beginning the work on the property and were afraid of not completing the work before their existing variance runs out, they were requesting an extension.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO GRANT A ONE YEAR EXTENSION OF THE 12/07/13 VARIANCE GRANTED FOR 46 SHINNECOCK RD. MR. AMES MADE THE MOTION. MR. RYAN SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

2) Next, Attorney **Kittric Motz** came forward to formally withdraw the application of **Denise E. Brosens** of **24 Shinnecock Lane**. Mrs. Motz explained that the owners decided to revise their plans and go in a different direction.

3) Next, was the application of **Robert and Lynn Ducommun** for a rear yard variance to 12'3 5/8" and a height variance within the required rear yard to 26'3" in order to permit elevating the existing house and constructing proposed additions thereto, and for setback variances to 8.47 feet from rear line and 13.73 feet from side line in order to permit proposed HVAC condensing units with base (mounted at elevation 10), all as shown on site plan. Premises are known as **12 Post Lane. TM #902-10-3-44**

Attorney **Karen Hoeg** was present for the applicants. She explained that her client's house was preexisting and nonconforming, and because it was located in the A3 zone it required a minimum rear yard setback of 70 feet for the principal structures, and 25 feet

for accessory structures. She explained that the entire house was located in the rear yard, and the front of the house was heavily vegetated with mature trees. Ms Hoeg also explained that because of the location of the house on the property, any renovations or alterations would require variances. She submitted photographs of the property to give the board an idea of what the entire site looked like. She explained that to comply with FEMA the house would have to be raised 9" in height. The height of the existing house was 25.4 feet and the proposed is 26.3 feet. A height variance would be needed because of the 16 foot height requirement in a rear yard. Ms. Hoeg submitted a letter from Mr. Nowak, the building inspector, with his suggestions. The homeowner and the contractor evaluated the options of renovations as opposed to demolition and rebuilding, and found that there would be significant cost savings with demolition and rebuilding. Ms. Hoeg submitted an analysis from the contractor, Mr. Catanzaro, for the record. Demolition would include the cost of a new sanitary system and additional framing of the entire structure. In both scenarios a new foundation would be needed to comply with FEMA requirements. The cost savings for a demolition-rebuild would be \$34,000.00. The owners felt, that in the end, they would end up with a better structural product. Ms. Hoeg explained that the only footprint change would be the addition of a front porch and side steps. The additional space to be added to the home was 421 SF. The existing gross floor area was 3,321.40 SF. and the proposed gross floor area was 3,742.27 SF., and consequently the proposed project would be well under the gross floor area limit. Ms. Hoeg explained that in regard to the two HVAC units proposed on the south side of the house, the only ones that would be impacted by potential noise, if any, would be the Ducommun's other house located next door at **14 Post Lane**. Ms. Hoeg said that she believed that the Jones family who owned the property behind, were aware of their decision to demolish and rebuild as opposed to the original renovation. Ms. Hoeg said they had explored alternative locations for the HVAC units, and then introduced the architect to explain further.

Mr. Angelo Corva, architect for the Ducommuns, explained that for the proper operation of the HVAC equipment, their proposed location was best. They had wanted it closer to the house, but realized that that would have put the equipment between the house and the property line, and any reverberation, of their low-level noise equipment, would be further amplified. He also proposed more planting to be at the rear to help reduce any amplification. The HVAC will be at elevation 10 because of FEMA requirements. Mr. Corva explained that elevation 10 would be the bottom of the unit, and each unit was approximately 24" - 30" high, which would actually make them about 4' - 4' 6" from existing grade to the top of the unit. He explained that the addition to the first floor was an open porch that extends beyond the footprint of the building, as well as the above second story porch. Mr. Corva felt they had eliminated that height as much as possible by providing a slab foundation instead of a crawl space. Ms Hoeg explained that the reason they could not move the house forward since they were demolishing and rebuilding was because the front yard contained many older, mature trees that they did not want to touch. Mr. Corva added that at an estimated 20' - 25' from the front façade of the house, there was also a very significant Beech tree that had grown in a rather awkward fashion, and they felt it would be a terrible injustice to try to move or destroy the Beech tree. Their landscape architect told them that their Beech tree was an excellent

specimen of a Beech tree and the horizontal angle at which it had not only grown but survived, made it even more interesting.

DECISION: MR. TREUHOLD SAID THAT SUBJECT TO COMING UP WITH APPROPRIATE INSULATION AND SCREENING OF THE HVAC UNITS HE WOULD REQUEST A MOTION TO APPROVE THE DUCOMMUN APPLICATION. MR. RYAN MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS UNANIMOUSLY CARRIED.

4) Next was the application of **Roger and Susan Moley** for a rear yard variance to 53.2 feet, a height variance within the required rear yard to 27 feet, and a side yard variance to 24.2 feet in order to permit proposed additions to existing house. Premises are known as **3 Quogo neck Lane.**

Architect **Craig Lee** was present for the applicants. He explained that his clients were requesting a rear yard setback from the permitted 70 feet to 53.2 feet to extend the house on the west side to accommodate the expanded kitchen, laundry, and mud room on the first floor, as well as an additional bedroom and bath on the second floor. They also needed an additional side yard variance to accommodate a one-story master bedroom addition off the south side of the existing two-story house. Mr. Lee submitted some images for the board to review and a copy of the site plan which he used to walk the board through proposed changes. He explained that the property was heavily landscaped, except for the front. The Moley's wanted to be able to maintain what they felt was a pastoral setting in the front as well as the two mature maple trees approximately 20 feet forward of the home. Also, because the house was 129 feet from the front property line, the Moleys felt that distance helped contribute to the pastoral feeling they were working to maintain. Mr. Lee explained that moving the house forward would also put the house closer to the Quogue Dining Club to the north, which would not be their preference. The house will be well under the allowable GFA. The total additional proposed square footage is approximately 1,800 SF. The total lot coverage will be increased to 15.5% which is well under what is allowed. Mr. Lee explained again that the alleged difficulty is not self created, but is instead because of the house being set so far back on the property. He explained that in reference to the extension to the south, the proposed new master bedroom, he did not realize that the proposed extension would be beyond the 25 foot allowed, and only realized it when they received their survey back from the surveyor. Mr. Treuhold asked if it would be possible to revise the plans to avoid the need for the required side yard variance. Mr. Lee said that since it was only the 9" roof overhang that created the need for a variance, he would make the necessary changes to reduce it, and would therefore be withdrawing their request for a side yard variance. Mr. Moley said that they had spoken to all their neighbors about their proposed work and none of them had any opposition to the work.

DECISION: MR. TREUHOLD ASKED FOR A MOTION TO APPROVE THE MOLEY APPLICATION. MR. MOTT MADE THE MOTION. MR. AMES SECONDED THE MOTION. THE MOTION WAS unanimously carried. (Mr.

DePetrìs wanted it made clear that the requested side yard variance to the south was being withdrawn).

5) Next was the amended application of **Edward T. Otis III** for a variance in order to permit maintenance of a cottage for guest house use at a location having a setback of 63.3 feet from Second Neck Lane and in order to permit proposed interior and exterior alterations and additions thereto, and for a setback variance to 62.7 feet from Second Neck Lane in order to permit proposed patio. Premises are known as **14 Penniman Point Road. TM #902-6-2-7.1**

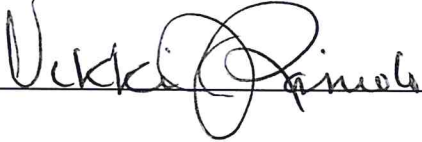
Attorney **Kittrick Motz** was present for the applicant. **Mr. and Mrs. Otis** were also present. Mrs. Motz explained that the cottage structure had been used as a guest house since the 1950's, but her clients were willing to give up the right to rent it or have it used by anyone outside their family. Mrs. Motz reiterated the aforementioned reasons from the previous ZBA meeting as to why they needed the cottage. The family would now like to make interior and exterior renovations, add a conforming roof-covered entrance, and an outdoor shower facing the pool, that will be enclosed and not visible to any other property. There is already an outdoor spicket shower on the Second Neck side of the house that will be moved. She wanted it noted that the patio which used to be 50 feet from Second Neck Lane had been scaled back to 63.3 feet from Second Neck Lane. With respect to the changes to the cottage itself, the entrance or porch, on the southwest side will be removed, as well as the kitchen. There will be some window and door alterations. Mrs. Motz explained other proposed alterations to the board with the use of the survey and floor plans in the packets.

John Griffith, a neighbor, said he had no objections to the proposed alterations on the cottage, but has been continually worried about adequate screening and maintenance of the screening. He wanted to be sure that if the property was ever sold, that a new owner would not be allowed to reduce or remove the screening. He was hoping that a covenant could be included about the screening and about the cottage not being rented or used by any persons other than family members related to the homeowner.

Mrs. Motz said that her clients would be amenable to a covenant requiring a 20 foot non-disturbance buffer along Second Neck Lane in terms of not clearing any of the present trees. She also included that the covered deck would remain opened, and would not be screened in or enclosed. The Board explained that they would like to impose a covenant in reference to the porch/covered deck so that no future owner would be able to enclose it, and effectively extend the size of the cottage. As previously discussed during the meeting, the Board also wanted to impose a covenant that would be attached to the property, saying that the cottage would only be for the owner's personal family use and could never be rented out. The Board requested a landscape plan be submitted, with a note in reference to the 'non-disturbance' buffer, along with a note in reference to continued maintenance of the landscaping in that area.. Mr. DePetrìs explained that when Mrs. Motz submitted the landscape plan, in her cover letter she could suggest some language or wording of the conditions that the board would take into consideration.

DECISION: MR. TREUHOLD ADJOURNED THE OTIS APPLICATION FOR A WRITTEN DECISION THAT WILL REFLECT THE ADDITIONAL CONDITIONS BUT WHICH WILL GRANT THE REQUESTED VARIANCES INCLUDING THE CONTINUED USE OF THE COTTAGE.

The meeting was adjourned.

Respectfully submitted by:  File date: 9-22-15